

Senate File 139 - Introduced

SENATE FILE 139

BY KAPUCIAN

A BILL FOR

1 An Act relating to the use of automated traffic law enforcement
2 systems by cities and counties, and providing for the
3 disposition of revenues derived from the use of automated
4 traffic law enforcement systems.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 95. *“Automated traffic law enforcement*
4 *system”* means a device with one or more sensors working in
5 conjunction with an official traffic control signal or device
6 or a speed-measuring device to produce recorded images of
7 vehicles being operated in violation of a state or local law or
8 ordinance regulating vehicular traffic or the speed of motor
9 vehicles.

10 Sec. 2. NEW SECTION. 321.237A Use of automated traffic law
11 enforcement systems.

12 Before using an automated traffic law enforcement system,
13 a local authority shall compile a report showing the number
14 of motor vehicle violations occurring during the most recent
15 twelve-month period for which data is available at the location
16 where the local authority intends to use an automated traffic
17 law enforcement system compared to the number of motor vehicle
18 violations occurring at all similar locations within the local
19 authority’s jurisdiction during the same period. The local
20 authority shall not use an automated traffic law enforcement
21 system at the intended location unless the report demonstrates
22 that the number of violations at the intended location exceeds
23 the number of violations at all similar locations by twenty
24 percent or more. Prior to implementing the use of an automated
25 traffic law enforcement system, the local authority shall file
26 a copy of the report required under this section with the
27 department.

28 Sec. 3. Section 331.307, Code 2013, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 14. a. Notwithstanding any other provision
31 of law, civil fines collected by a county from the use of an
32 automated traffic law enforcement system shall be allocated as
33 follows:

34 (1) The amount necessary to satisfy contractual obligations
35 of the county relating to the use of automated traffic law

1 enforcement systems shall be retained by the county for that
2 purpose.

3 (2) Moneys in excess of the amount necessary for the
4 purpose specified in subparagraph (1) shall be deposited in
5 the secondary road fund of the county to be used for road
6 construction, maintenance, and repair.

7 *b.* For purposes of this subsection, "*automated traffic law*
8 *enforcement system*" means as defined in section 321.1.

9 Sec. 4. Section 364.3, subsection 2, Code 2013, is amended
10 to read as follows:

11 2. For a violation of an ordinance, a city shall not
12 provide a penalty in excess of the maximum fine and term of
13 imprisonment for a simple misdemeanor under section 903.1,
14 subsection 1, paragraph "a". ~~An~~ Except as otherwise provided
15 in this section, an amount equal to ten percent of all
16 finest collected by cities shall be deposited in the account
17 established in section 602.8108. However, one

18 a. One hundred percent of all fines collected by a city
19 pursuant to section 321.236, subsection 1, shall be retained
20 by the city.

21 b. Civil fines collected by a city from the use of an
22 automated traffic law enforcement system shall be allocated as
23 follows:

24 (1) The amount necessary to satisfy contractual obligations
25 of the city relating to the use of automated traffic law
26 enforcement systems shall be retained by the city for that
27 purpose.

28 (2) Moneys in excess of the amount necessary for the purpose
29 specified in subparagraph (1) shall be deposited in the city's
30 street construction fund to be used for road construction,
31 maintenance, and repair.

32 (3) For purposes of this subsection, "automated traffic law
33 enforcement system" means as defined in section 321.1.

34 c. The criminal penalty surcharge required by section 911.1
35 shall be added to a city fine and is not a part of the city's

1 penalty.

2

EXPLANATION

3 This bill requires that, before a local authority may
4 use an automated traffic law enforcement system, the local
5 authority must compile a report showing the number of motor
6 vehicle violations at the location where such a system is
7 intended to be used compared to the total number of motor
8 vehicle violations at similar locations within the jurisdiction
9 of the local authority. Unless the report demonstrates that
10 the number of violations at the intended location exceeds the
11 total number of violations at similar locations by at least 20
12 percent, the local authority shall not use an automated traffic
13 law enforcement system at that location. Before implementing
14 the use of an automated traffic law enforcement system, a local
15 authority must file a copy of the required report with the
16 department of transportation.

17 The bill directs that, from the civil fines collected
18 by a city or county from the use of automated traffic law
19 enforcement systems, the amount necessary to satisfy the
20 contractual obligations relating to the use of the systems
21 shall be retained by the city or county. Moneys in excess of
22 that amount are to be deposited in the secondary road fund of
23 the county or the street construction fund of the city to be
24 used for road construction, maintenance, and repair.

25 The bill defines "automated traffic law enforcement system"
26 as a device working in conjunction with an official traffic
27 control signal or device or a speed-measuring device to produce
28 recorded images of vehicles being operated in violation of a
29 state or local law or ordinance regulating vehicular traffic
30 or the speed of motor vehicles.